IN THE

Supreme Court of the United States

OCTOBER TERM, 1974

No. _____

Quick Shop Markets, Inc.
Petitioner,

v.

National Labor Relations Board

and

Retail Store Employees Union, Local 655,
Retail Clerks International Association, AFL-CIO,
Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

The petitioner, Quick Shop Markets, Inc., respectfully prays that a writ of certiorari issue to review the judgment of the United States Court of Appeals for the Eighth Circuit entered in this proceeding on April 11, 1974.

OPINIONS BELOW

The Order for Enforcement of the Court of Ap-

peals (Pet. App. A, *infra*, pp. 21-23) is unreported. The Decision and Order of the National Labor Relations Board (Pet. App. B, *infra*, pp. 24-36) are reported at 204 NLRB No. 151. The Decision on Review, Order, and Certification of Representative of the National Labor Relations Board in the related representation case (Pet. App. C, *infra*, pp. 37-44) are reported at 200 NLRB No. 120. The hearing officer's report on objections to election (Pet. App. D, *infra*, pp. 45-53) and the Supplemental Decision and Certification of Representative of the Regional Director of the National Labor Relations Board for the 14th Region (Pet. App. F, *infra*, pp. 57-76) are unreported.

JURISDICTION

The judgment of the Court of Appeals, by endorsement on the Order for Enforcement (Pet. App. A, *infra*, pp. 21-23) was entered on April 11, 1974. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

QUESTIONS PRESENTED

During the final three days of a union representation election campaign among Petitioner's employees, Respondent Retail Store Employees Union, Local No. 655, (Respondent Union) engaged in conduct which included, among others, gross and disproportionate payments to Petitioner's employees who acted as election observers for the Respondent Union, substantial and material misrepresentations of Union wage scales, and electioneering in the polling areas during the voting. Petitioner filed objections to this conduct after Respondent Union's narrow election victory. The Board, after denying Petitioner an evidentiary hearing on all objections except the payment of money to the Union election observers, determined in a 2-to-1 decision (Chair-

deliberately designed to, and did in fact, destroy the laboratory conditions so often promised by the Board and required by the Courts, prevented the conduct of a fair, free and impartial election, and were deliberately designed to, and did in fact, interfere with the employees' freedom of choice. Therefore, the results of the election did not reflect the uncoerced desires of the employees of the Employer.

WHEREFORE, promises considered, the Employer respectfully requests that the Regional Director promptly cause an investigation to be conducted and thereafter set aside the results of the election held on September 29, 1971, and direct that another election be conducted at such time as the Regional Director may determine.

DATED this 4th day of October, 1971, at Tulsa, Oklahoma.

Respectfully submitted,

/s/ C. A. Kothe
Kothe and Eagleton, Inc.
Attorneys for Employer
204 Philtower Building
Tulsa, Oklahoma 74103

CERTIFICATE OF SERVICE

I, C. A. Kothe, attorney for Quick Shop Markets, Inc., Employer herein, hereby certify that a true and correct copy of the foregoing Objections to Conduct Affecting Results of Election was served on the following parties by certified mail, postage prepaid, by depositing same in the United States Mail at Tulsa, Oklahoma, on the 4th day of October 1971, addressed as follows:

Retail Store Employees' Union, Local
No. 655, a/w Retail Clerks International
Association, AFL-CIO
Attention: Mr. Robert J. Littchen
1401 Hampton Avenue
St. Louis, Missouri 63139

Mr. John Goffstein
Attorney at Law
Bartley, Goffstein, Marshall & Bollato
130 South Bemiston
St. Louis, Missouri 63105

/s/ C. A. Kothe